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**MCGLEW AND TUTTLE, P.C.**

PATENT, TRADEMARK, COPYRIGHT, AND UNFAIR COMPETITION CAUSES

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MAR 14 2005

ATTORNEY DOCKET NO: 70201RCE  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : MARKERT  
Serial No : 09/885,566  
Confirm. No : 6188  
Filed : June 20, 2001  
For : GEAR, PARTICULARLY...  
Art Unit : 3682  
Examiner : Timothy P. McAnulty  
Dated : March 14, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**ATTENTION: Robert Oberleitner**

Dear Sir:

As per our telephone conversation of today, please find attached a copy of the Request to Consider Previously Submitted Information Disclosure Statement and Certification as filed on March 9, 2005.

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER FOR SERIAL NO. 09/885,566 (9 PAGES IN ALL) IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE FACSIMILE NUMBER (703) 872-9306 ON THE DATE SHOWN BELOW.

Jennifer M. Spinning

NAME OF PERSON SIGNING CERTIFICATION

  
SIGNATURE

DATED: March 14, 2005

MCGLEW AND TUTTLE, P.C.  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
TELEPHONE: (914) 941-5600  
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Alexandria, VA 22313-1450

REQUEST TO CONSIDER PREVIOUSLY SUBMITTED INFORMATION

DISCLOSURE STATEMENT AND CERTIFICATION


Sir:

Applicant has received a Decision to deny for consideration of the Information Disclosure Statement of December 2, 2004 submitted with Petition under 37 CFR 1.97. The denial was for lack of certification.

Applicant hereby again requests consideration of the Information Disclosure Statement and respectfully requests reconsideration of the denial as the fifth sentence of the first paragraph in the Petition to Accept Information Disclosure Statement After Notice of Allowance dated December 2, 2004 includes language that each item of the information contained in the

Information Disclosure Statement was first cited in a communication from a Foreign Patent Office in a counterpart Foreign Application not more than three months prior to the filing of the Information Disclosure Statement. The certification is by the statement being signed. All aspects required by 37 CFR 1.97(e)(1) were included such that consideration is proper.

Respectfully submitted  
for Applicant,

By:  51,859  
John James McGlew  
Registration No. 31,903  
MCGLEW AND TUTTLE, P.C.

JJM/DWK:tf  
70201RCE.13

Enclosed: copy of Information Disclosure Statement as filed on December 2, 2004


DATED: March 9, 2005  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-0410.

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL IN AN ENVELOPE ADDRESSED TO:

COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450,  
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BY:  DATE: March 9, 2005

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Examiner : Timothy P. McAnulty  
Dated : December 2, 2004

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P.O. Box 1450  
Alexandria, VA 22313-1450  
ATTN: Box Issue Fee

PETITION TO ACCEPT INFORMATION DISCLOSURE  
STATEMENT AFTER NOTICE OF ALLOWANCE

Sir:

Applicant has received a European Search Report dated September 15, 2004 from a corresponding European application. This Search Report cites 2 references as Category X as well as other references cited as Category E and A. At least some of these references have not yet been considered by the U.S. Examiner. A copy of each of the references is attached. Applicant's representative certifies that the European Search Report was issued less than three months ago and indeed this European Search Report was received after the issuance of the Notice of Allowance in this case.

Patent Abstracts of Japan Bd. 016 Nr. 187 corresponding to JP 04025393 A has been cited in the corresponding European Search Report under Category X with regard to the

European claims 1-10, 13-16, 18, 20, 23 and 24. This reference discloses an industrial robot with input shaft of a speed reducer formed hollow coaxially with the output shaft of the speed reducer, fixing the detection shaft wherein one side is led to the output shaft until the input side with its penetrating through the hollow part of the input shaft and providing a detection piece at the other end of this detection shaft is provided. No copy of the corresponding JP04025939 reference is available to Applicant at this time.

U.S. Patent No. 4,592,697 A has been cited in the corresponding European Search Report under Category X with regard to the corresponding European claims 1-10, 13-17, 20, 23, and 24. This reference discloses a gravity off-setting device for mounted between a fixed point located above a pivotable point of the rocking arm at a predetermined distance and substantially in vertical alignment therewith, and an arbitrary point on the rocking arm, the gravity balancing device including a compression spring having a spring constant  $K$  of a value corresponding to the load  $W$  at the arbitrary point as divided by the distance  $A$ , and a free length corresponding to the sum of the length  $l$  between the fixed and the arbitrary points and the initial set length  $l'$  of the compression spring, and adapted to apply a counter-balancing tensile force varying in proportion to the distance between the fixed and arbitrary points. A copy of this reference is enclosed and is in English.

EP 1 172 182 A has been cited in the corresponding European Search Report under Category E with respect to claims 1-10, 13-15, 20, 23, and 24. This reference discloses a traction drive speed reducer which comprises circumscribed axes, a plurality of intermediate axes arranged contracting around outer peripheral of the circumscribed axes, and inscribed

cylinders inscribing the outer peripheral of the intermediate axes. in which a supporting member to rotatably support the intermediate axes is fixed, a drive motor is connected to at least one of the plurality of intermediate axes, and an output is taken from the circumscribed axes having the larger diameter than the outer diameter of the intermediate axes. This reference is in English and a copy is enclosed.

U.S. 5,203,748 A has been cited in the corresponding European Search Report under Category A with regard to claim 1. This reference discloses a planetary roller speed reducer including a sun roller mounted rotatably on a pedestal and a plurality of planetary rollers having a central portion with a narrowed diameter and mounted rotatably on the pedestal. This reference is in English and a copy is enclosed.

As the references are material, it is requested that the references be considered. However, as the references only add art already considered by the Examiner material which does not teach or suggest the invention as now claimed or technological background prior art, it is asserted that the claims as allowed patentably define over the prior art cited in the Office Action dated January 21, 2004.

Respectfully submitted  
for Applicant,

By: 

John James McGlew

Registration No. 31,903

MCGLEW AND TUTTLE, P.C.

JJM/DWK:jms

Enclosed: Credit Card Payment Form  
70201RCE.11

DATED: December 2, 2004  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
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MCGLEW AND TUTTLE, P.C.  
SCARBOROUGH STATION, SCARBOROUGH, NY 10510-0827

BY:  DATE: December 2, 2004

PTO/SB/08A (08-03)

Approved for use through 07/31/2008. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

**Complete if Known**

Application Number

Filing Date

**First Named Inventor**

## Art Unit

**Examiner Name**

**Attorney Docket Number**

Street

of

## U. S. PATENT DOCUMENTS

[illegible]

**FOREIGN PATENT DOCUMENTS**

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>2</sup> * Number * Kind Code <sup>3</sup> (if known)				
		JP 04025393	29-01-1992	Kobe Steel Ltd.		
		EP 1 172 182	16-01-2002	Teijin Seiki Co		

Examiner  
Signature

**Date Considered**

\*EXAMINER: Initial, if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at: [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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